

Application No. 10/027,829  
Reply to Office Action dated November 30, 2006

Remarks/Arguments

This Amendment is being filed in response to the Official Action of the Examiner mailed November 30, 2006, setting a three-month shortened statutory period for response ending February 28, 2007. Claims 1-30 and 32 remain pending. Claims 33-36 have been canceled without prejudice. Reconsideration, examination and allowance of all pending claims are respectfully requested.

Compact Prosecution

Applicant is entitled to compact prosecution before the USPTO. To date, the Patent Office has issued six (7) office actions in the present application. In addition, Applicant has filed two (2) Notice of Appeals: one with a full Appeal Brief and one with a Pre-Appeal Brief Request for Review. In both cases, the Patent Office withdrew the final office actions and issued new first Office Actions. It would seem that at this point that the Patent Office has had adequate time to search and examine the merits of this application.

MPEP § 707.02 states:

**707.02 Applications Up for Third Action and 5-Year Applications [R-2]**

The supervisory patent examiners should impress their assistants with the fact that the shortest path to the final disposition of an application is by finding the best references on the first search and carefully applying them.

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent \*>Office< action with a view to finally concluding its prosecution.

Any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort >should be< made to terminate its prosecution. In order to accomplish this result, the application is to be considered "special" by the examiner (emphasis added).

(Emphasis Added). As noted above, the present application has had seven (7) office actions issued to date, which is far more than the three (3) mentioned in MPEP § 707.02. In addition, the present application has been pending for over five (5) years. ***Applicant respectfully requests that the supervisory patent examiner look toward finally concluding prosecution in this application, and make this application "special" as indicated in MPEP § 707.02.***

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Election/Restriction Requirement

On page 2 of the Office Action, the Examiner states that newly submitted claims 33-36 are directed to an invention that is independent or distinct from the invention originally claimed. The Examiner states that since Applicant has received an office action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits, and claims 33-36 have been withdrawn from consideration as being directed to a non-elected invention. By this Amendment, claims 33-36 have been canceled, without prejudice.

Rejections under 35 U.S.C. § 112

On page 3 of the Office Action, the Examiner rejected claims 1-32 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As per claims 1, 20, 24, 25, 30 and 32, the Examiner states that the preambles indicate that the method is for “increasing the participation of contributors”. However, the Examiner states that the bodies of the claims are silent regarding said “increasing the participation of contributors”, and therefore, fails to meet the stated purpose (emphasis added).

Applicant notes that this rejection is identical to the 35 U.S.C. § 112, second paragraph, rejection made in the Office Action mailed June 16, 2006. In Applicant's response filed September 14, 2006, Applicant set forth detailed reasons why this rejection is improper, and respectfully requested that the Examiner provide some authority that supports the Examiner position that the stated purpose in the preamble must be repeated in the body of the claim. In the present Office Action, the Examiner has maintained the rejection, but has still failed to provide or cite any authority whatsoever to support this position.

Despite the foregoing, and to move the case along, claims 1, 20, 24, 25, 30 and 32 have been amended to remove the language for “increasing the participation of contributors” from the preamble, rendering the rejection moot.

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On page 3 of the Office Action, the Examiner also states that the preambles of claims 1, 20, 24, 25 and 30 indicate delivering services as donations to an organization, while the body of the claims recite the steps of “assigning the donation to a delivery lot; and delivering the delivery lot to one or more people in need”. The Examiner states that it is unclear how services can be delivered via a delivery lot. While Applicant respectfully disagrees that it is unclear how services can be delivered via a delivery lot, to move this case along, the language objected to by the Examiner has been removed from the preambles of claims 1, 20, 24, 25 and 30, rendering the claims broader and the rejection moot. Claim 10, which is dependent from claim 1, is also believed to fully comply with 35 U.S.C. § 112, second paragraph.

Rejections under 35 U.S.C. § 103

On pages 3-4 of the Office Action, the Examiner rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Smith et al. in view of American Red Cross – Annual Report: Survival on the Far Side of the World (hereinafter Red Cross). The Examiner states that Smith suggests a method for tracking delivery items, including: obtaining the location of the delivery lot of goods at one or more points in time; and providing the location information of the delivery lot to the contributor (sender) (citing paragraphs [0009], [0018], [0019], and [0050]).

The Examiner acknowledges that Smith does not teach that the method is utilized for delivery goods for people in need (donations). However, the Examiner states that Red Cross suggests reporting to the public (contributors) regarding a delivery of packages of food and household essentials to Azerbaijan and Armenian families in need. The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith to track the delivery of items for people in need (donations) of the Red Cross reference, because it would advantageously simplify the access of the contributors to the status of the shipment, thereby providing a convenience for the contributors.

Applicant must respectfully disagree. It is first noted that this rejection is essential the same as the rejection in the previous Office Action(s), except for the substitution of Smith for Robbins. As detailed in the previous office action, Robbins relates to a package delivery tracking

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system for use by shippers and recipients, and that the shipper of Robbins would clearly correspond to the charitable organization itself (e.g. Red Cross), and not the contributor. In the Examiner's previous remarks, the Examiner attempted to equate the contributor of, for example, claim 32 with the shipper of Robbins. However, and as previously pointed out, the contributor of claim 32 clearly does not "ship" the goods to the ultimate destination (e.g. Armenia for American Red Cross – Annual Report: Survival on the Far Side of the World). Rather, the contributor merely provides a donation to, for example, the Red Cross organization, and it is the Red Cross organization that actually ships the goods and/or services to the ultimate desired destination. It was further point out that Robbins clearly does not teach, disclose or suggest providing tracking data to a contributor, such as a contributor of donations to the Red Cross organization. More particularly, it was pointed out that the Red Cross reference and Robbins, taken either alone or in combination, clearly do not teach, disclose or suggest: obtaining the location of the delivery lot of goods and/or services at one or more points in time; providing the location of the delivery lot either directly or indirectly to the contributor, as recited in claim 32. The Examiner appears to have recognized this difference, and withdrew the rejection in view of Robbins.

The Examiner has now replaced Robbins with Smith as the primary reference. Smith, however, suffers from the same flaws as Robbins. Notably, and like Robbins, Smith only appears to teach allowing the sender (e.g. shipper) and the intended recipient (e.g. receiver) to have access to the mail status information. Like Robbins, the Examiner states that Smith provides "the location information of the delivery lot to the contributor (sender)" (emphasis added). Again, the Examiner appears to be equating the contributor of claim 32 with the sender, which is clearly inappropriate. As previously pointed out, the contributor of claim 32 does not "ship" the goods to the ultimate destination (e.g. Armenia for American Red Cross – Annual Report: Survival on the Far Side of the World). Rather, the contributor merely provides a donation to, for example, the Red Cross organization, and it is the Red Cross organization that ships the goods and/or services to the ultimate desired destination.

Smith clearly does not teach, disclose or suggest providing mail status information to a third party, such as a contributor of donations to the Red Cross organization, as the Examiner

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appears to be suggesting. The Examiner cites to paragraphs [0009], [0018], [0019], and [0050]) of Smith as suggesting the steps of: “obtaining the location of the delivery lot of goods at one or more points in time”; and “providing the location information of the delivery lot to the contributor (sender)” (emphasis added). These paragraphs are reproduced below for the Examiner’s convenience:

[0009] The invention is a personal tracking and tracing system that provides a user with information relating to the delivery status of packages, catalogs or other mail pieces sent to or by the user through various catalog companies, delivery services, and/or the postal service. The system provides a user with information about the mail pieces through a personal web page, and thus, the user does not need to know identifying numbers for the respective mail pieces. Further, the user does not even need to know that a particular package has been sent before he or she learns through the personal tracking and tracing system to expect a delivery. The system updates the delivery status information, i.e., expected delivery dates, current locations and so forth, based on information supplied by the delivery companies and/or the postal service. Thus, to keep track of the changes to the delivery status, the user has only to check his or her web page rather than inquire at the various companies or the postal service and/or sort through e-mail messages from them (emphasis added).

Paragraph [0018] of Smith states:

[0018] As will be seen from the detailed description of a specific embodiment herein, the system provides to a user such as to an intended recipient, whether an individual, a business or organization, etc., a personalized web page that contains delivery status information about mail pieces directed to or sent by the user. The web page also associates with the delivery status information for a given mail piece various related information, such as, the delivery mechanism, i.e., land or air or postal service; mail piece type; and, as appropriate, links to related on-line subscription or catalog offers, payment options and so forth. The table further includes an attachment field in which messages from the sender, postal service or other delivery company may be linked to the mail piece delivery status information. (emphasis added).

Paragraph [0019] of Smith states:

[0019] The delivery status information may be displayed in a table, with entries that are distilled from information provided by the sender, the postal system or other delivery services, and/or the intended recipient. Using the table, the user can

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readily track and trace the respective mail pieces from the date the mail pieces are provided to, for example, the postal service until the date the mail pieces are delivered by the postal service to the intended recipients. (emphasis added).

Paragraph [0050] of Smith states:

[0050] The user may employ the linkage system of the invention from his or her home (e.g., via web browsers or clients accessible through the node 174) or from a postal station 176, 178. Thus, wherever the individual has access to the browser or client, the user can personally track and trace mail pieces for which he or she is identified as the sender or the intended recipient. (emphasis added).

As can readily be seen, Smith relates to a system that provides mail status information for mail pieces that are directed to (i.e. recipient) or sent by (i.e. shipper) the user (see, Smith Abstract). See also, Smith: paragraph [0023] (“The display is essentially a personal web page for the user identified by the user ID 26. The display includes a table 28 with entries 32 for the respective mail pieces that are directed to the user”); paragraph [0024] (“The user may instead view a table that contains information about mail pieces which were sent by the user”); paragraph [0037] (“the Postport system links the selected delivery options with the user ID, and thereafter, follows the delivery instructions with respect to mail pieces directed to the user”); paragraph [[0039] (“Referring now to FIG. 7, the Postport system also provides personal tracking and tracing of mail pieces sent by the user”); paragraph [0044] (“The Postport system can be thought of as giving a mail piece a digital shadow, that is, a link from the physical mail piece to information about the mail piece or associated with the mail piece by the sender, the postal service and/or the intended recipient”).

In view of the foregoing, it is clear that Smith relates to a mail delivery status system for use by senders and recipients, in the same way as Robbins. Thus, and like Robbins, the shipper or sender of Smith would clearly correspond to the charitable organization itself. As it specifically relates to the Red Cross reference, Smith would appear to allow the Red Cross organization and the receiver (presumably an organization in, for example, Armenia) to access the mail delivery status of mail pieces sent by the Red Cross organization to the organization in Armenia. As noted above, it is the charitable organization (e.g. Red Cross) that actually ships

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cash, goods or services to people in need, and not the contributor as the Examiner appears to be suggesting. The contributor of claim 32 certainly does not “ship” anything to the ultimate destination (e.g. Armenia). Rather, the contributor merely provides a donation, and the Red Cross organization actually sends the goods and/or services to the ultimate desired destination.

Smith teaches to provide links to other information besides the mail piece delivery status, such as purchase or payment history, related credit card debit or credit information and so forth (see Smith, paragraph [0011]). Smith also state:

FIG. 5 depicts a screen 60 in which a pull-down menu 62 for an entry 32 in the table 28 that corresponds to bill (icon 37b) from City Electric (field 34d) provides to the user links to the web pages associated with various on-line bill payment services offered through City Electric. As discussed in more detail below with reference to FIG. 7, the Postport system can trace such a payment and provide to the user a payment delivery date.

(see Smith, paragraph [0035]). Smith also state:

Using the Postport system, the user may thus have in one table a complete record of a transaction from start to finish, including the dates of the delivery of an ordered article to the user and the return delivery of the article to the company, the dates of the debiting and/or crediting of the transaction to his or her credit card, and so forth. Transaction information may similarly be available from, for example, utility companies that bill the user monthly. The user may thus have at any given time up-to-date billing and payment histories, without having to contact the respective billing companies.

(see Smith, paragraph [0043]). As can be seen, Smith teach that the user can view fairly sensitive personal information related to the user including credit card information. To help control access, Smith teaches that the web site is password protected (see, for example, Smith, paragraph [0021]). In view of this type of information, Applicant does not believe it can readily be argued that Smith would teach or suggest granting access to such sensitive information to a third party to an underlying mail transaction, such as a contributor, as the Examiner appears to be suggesting.

In view of the foregoing, Applicant believes it is clear that Smith and the Red Cross reference, taken either alone or in combination, do not teach, disclose or suggest a computer

assisted method comprising: receiving either directly or indirectly a donation from a contributor, wherein the donation is not initially designated as corresponding to any particular resource request of a charity or other non-profit; assigning the donation to a delivery lot; obtaining the location of the delivery lot at one or more points in time; and providing the location of the delivery lot either directly or indirectly to the contributor (e.g. the contributor whose donation was assigned to the delivery lot), as recited in claim 32.

Despite the foregoing, and to move this case along, Applicant has elected to clarify claim 32 as follows:

32. (Currently Amended) A computer assisted method ~~for increasing the participation of contributors that provide donations, the method~~ comprising:  
receiving either directly or indirectly a donation from a contributor,  
wherein the donation is not initially designated as corresponding to any particular ~~delivery lot resource request~~ of a charity or other non-profit;  
assigning the donation to a delivery lot;  
providing an indication to the contributor that indicates which delivery lot the contributor's donation has been assigned to by the assigning step;  
obtaining the location of the delivery lot at one or more points in time; and  
providing the location of the delivery lot either directly or indirectly to the contributor;  
wherein a computer processor assists in performing one or more of the obtaining and providing steps.

As can be seen, claim 32 has been amended to recites the additional step of providing an indication to the contributor that indicates which delivery lot the contributor's donation has been assigned to by the assigning step. Clearly, neither Smith nor the Red Cross reference teach, disclose or suggest receiving either directly or indirectly a donation from a contributor, wherein the donation is not initially designated as corresponding to any particular delivery lot of a charity or other non-profit, assigning the donation to a delivery lot; and providing an indication to the contributor that indicates which delivery lot the contributor's donation has been assigned to by the assigning step. Furthermore, and as detailed above, the combination of Smith and the Red Cross reference clearly do not teach, disclose or suggest obtaining the location of the delivery lot at one or more points in time, and providing the location of the delivery lot either directly or



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indirectly to the contributor, as recited in claim 32. For these and other reasons, claim 32 is believed to be clearly patentable over Smith in view of the Red Cross reference.

On page 5 of the Office Action, the Examiner rejected claims 1-26 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Episcopal Relief and Development; Project for Hope in view of Smith. With respect to independent claims 1, 20 and 24, the Examiner states Project for Hope shows a web site wherein a plurality of contributors can make a donation including goods and/or services to individuals or organizations. The Examiner states that Project for Hope appears to present a list of delivery lots (projects), each delivery lot (project) includes a description of goods or services needed, funds necessary for each delivery lot (project) and destination of each delivery lot (project). Furthermore, the Examiner states that Project for Hope provides means for receiving donations from contributors.

The Examiner acknowledges that Project for Hope does not teach delivering said delivery lot of goods. Further, the Examiner states that while Project for Hope indicates a “Completed” status of a project, thereby indicating a reporting step, Project for Hope does not teach that the reporting step includes obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot; or providing the location of the delivery lot to the contributor at one or more points in time. However, the Examiner states that Smith suggests a method for tracking of the delivery of items, including: obtaining the location of the delivery lot of goods at one or more points in time; and providing the location information of the delivery lot to the contributor (sender) (citing paragraphs [0009], [0018], [0019], [0050]). The Examiner then concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include delivering said delivery lot; and that said reporting step includes obtaining the location of the delivery lot at one or more points in time during the delivery of said delivery lot; and providing the location of the delivery lot to the contributor at one or more points in time as disclosed by Smith, because it would advantageously provide the user with delivery status information at the convenience of the user’s home without having the user to inquire for said information elsewhere, as specifically stated by Smith.

Applicant must respectfully disagree. Claim 1 recites:

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1. (Currently Amended) A computer assisted method ~~for increasing the participation of contributors that provide donations to an organization, wherein the organization helps provide cash, goods and/or services to one or more charitable organizations and/or one or more people in need, the method~~ comprising the steps of:

- receiving either directly or indirectly a donation from a contributor;
- assigning the donation to a delivery lot;
- delivering the delivery lot to one or more people in need;
- obtaining the location of the delivery lot at one or more points in time; and
- providing the location of the delivery lot to the contributor at one or more points in time;

wherein a computer processor assists in performing one or more of the receiving, assigning, obtaining and providing steps.

As can be seen, claim 1 recites the steps of: receiving either directly or indirectly a donation from a contributor; assigning the donation to a delivery lot; delivering the delivery lot to one or more people in need; obtaining the location of the delivery lot at one or more points in time; and providing the location of the delivery lot to the contributor at one or more points in time. Contrary to the Examiner's assertions, Project for Hope and Smith do not teach, disclose or suggest many of these steps.

The Projects for Hope reference only refers to "projects", and the Examiner equates these "projects" to the "delivery lots" of claim 1. Applicant concedes that this is a fair reading of the "delivery lot" element of claim 1, and such a reading would be within the expected scope the present invention (despite Applicants previous remarks set forth in the previous Response).

It is noted, however, that Projects for Hope does not teach, disclose or suggest an assigning step, as recited in claim 1. That is, if anything, the contributors of Projects for Hope appear to pre-select and directly contribute to a selected project (e.g. the project selected by the contributor), and therefore there would be no need whatsoever for the recited assigning step in claim 1.

Moreover, the Examiner acknowledges that Projects for Hope does not teach obtaining the location of the delivery lot of goods at one or more points in time during the delivery of the delivery lot, or providing the location of the delivery lot to the contributor at one or more points

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in time. However, the Examiner states that Smith suggests a method for tracking of the delivery of items, including: providing the location of the delivery lot of goods at one or more points in time; and providing the location information of the delivery lot to the contributor (sender) (citing paragraphs [0009], [0018], [0019], [0050]). As detailed above, however, this is clearly not the case.

Smith relates to a mail delivery status system for use by senders and recipients, in the same way as Robbins. Thus, and like Robbins, the sender of Smith would clearly correspond to the charitable organization itself. As it relates specifically to the Projects for Hope reference, Smith would appear to allow the Projects for Hope organization and the receiver (presumably an organization in, for example, Mexico for project PH0001) to access the delivery status of mail pieces sent by the Projects for Hope organization. As noted above, it is the charitable organization (e.g. Projects for Hope) that actually ships the goods to people in need, and not the contributor as the Examiner appears to be suggesting. The contributor of claim 1 certainly does not “ship” anything to the ultimate destination (e.g. Mexico). Rather, the contributor merely provides a donation, and the Projects for Hope organization would actually send the goods to the ultimate desired destination. In view of the foregoing, none of the Projects for Hope reference, Smith, or a combination thereof, would teach, disclose or suggest the steps of: obtaining the location of the delivery lot at one or more points in time; and providing the location of the delivery lot to the contributor at one or more points in time, as recited in claim 1. For these and other reasons, claim 1 is believed to be clearly patentable over Projects for Hope in view of Smith. For similar and other reasons, claims 2-29 are also believed to be clearly in condition for allowance.

Turning now specifically to claim 20, which recites:

20. (Currently Amended) A computer assisted method ~~for increasing the participation of contributors that provide donations to an organization, wherein the organization helps provide cash, goods and/or services to one or more charitable organizations and/or one or more people in need, the method~~ comprising the steps of:

receiving either directly or indirectly two or more donations from two or more contributors, wherein the two or more donations are not initially designated

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as corresponding to any particular delivery lot;  
    assigning each donation to one of a number of delivery lots;  
    delivering the delivery lots to one or more people in need;  
    obtaining the location of each delivery lot at one or more points in time;  
and  
    providing the location of the delivery lots to one or more contributors at  
one or more points in time, each contributor receiving the location of the delivery  
lot(s) that correspond to the contributor's donation(s);  
    wherein a computer processor assists in performing one or more of the  
receiving, assigning, obtaining and providing steps.

As can be seen, claim 20 has been amended to recite the step of receiving either directly or indirectly two or more donations from two or more contributors, wherein the two or more donations are not initially designated as corresponding to any particular delivery lot. Claim 20 further recites the step of assigning each donation to one of a number of delivery lots. Clearly, the Projects for Hope reference does not teach, disclose or suggest these steps. Instead, and if anything, the contributor of Projects for Hope would appear to pre-select and directly contribute to a selected project (e.g. the donation is initially designated as corresponding to a particular project by the contributor). Also, and because the contributor selects a desired project, there would be no need whatsoever for the assigning step recited in claim 20. Thus, for the reasons set forth above with respect to claim 1, as well as these additional reasons, claim 20 is believed to be clearly patentable over Projects for Hope in view of Smith.

On page 10 of the Office Action, the Examiner rejected claims 30-31 under 35 U.S.C. § 103(a) as being unpatentable over Projects for Hope in view of Smith and further in view of Burke. Notably, the Examiner acknowledges that Projects for Hope does not teach sending a funded delivery lot once the delivery lot is fully funded. However, the Examiner states that Smith suggests a method for tracking delivery items including: sending a delivery lot; and providing the location information of the delivery lot (shipment) to the contributor (shipper) at one or more points in time. Again, the Examiner is attempting to equate the contributor with the shipper, which as detailed above, is clearly erroneous. Thus, for the reasons set forth above, as well as other reasons, claims 30-31 are believed to be clearly patentable over Projects for Hope in

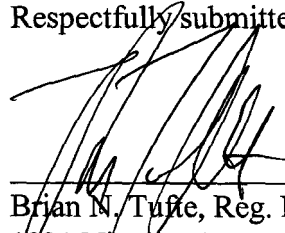
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view of Smith and further in view of Burke

In view of the foregoing, Applicant believes that all pending claims 1-30 and 32 are in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner believes it would be beneficial to discuss the application or its examination in any way, please call the Applicant at (612) 359-9348.

Respectfully submitted,

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